

## Bureau of Prisons, Justice

## § 551.162

### § 551.151 Definitions.

(a) For purpose of this rule, *victim* is generally defined as someone who suffers direct or threatened physical, emotional, or financial harm as the result of the commission of a crime. The term “victim” also includes the immediate family of a minor or a homicide victim.

(b) For purpose of this rule, *witness* is defined as someone who has information or evidence concerning a crime, and provides information regarding this knowledge to a law enforcement agency. Where the witness is a minor, the term “witness” includes an appropriate family member. The term “witness” does not include defense witnesses or those individuals involved in the crime as a perpetrator or accomplice.

(c) For purpose of this rule, *serious crime* is defined as a criminal offense that involves personal violence, attempted or threatened personal violence or significant property loss.

(d) For purpose of this rule, the phrase *release from a Bureau institution* refers to an inmate’s furlough, parole (including appearance before the Parole Commission), transfer to a State or local detention facility, transfer to a community corrections center, mandatory release, expiration of sentence, escape (including apprehension), death, and other such release-related information.

[49 FR 18386, Apr. 30, 1984, as amended at 55 FR 6178, Feb. 21, 1990; 64 FR 68265, Dec. 6, 1999]

### § 551.152 Procedures.

(a) A victim and/or witness of a serious crime who wants to be notified of a specific inmate’s release must make this request to the United States Attorney in the district where the prosecution occurred. Requests for notification received by the Bureau of Prisons directly from a victim and/or witness will be referred to the U.S. Attorney in the district of prosecution for approval.

(b) Institution staff shall promptly notify the victim and/or witness when his or her request for notification has been received. Staff shall advise each approved victim and/or witness of that person’s responsibility for notifying

the Bureau of Prisons of any address and/or telephone number changes.

[49 FR 18386, Apr. 30, 1984, as amended at 55 FR 6178, Feb. 21, 1990]

### § 551.153 Cancelling the notification request.

(a) A victim and/or witness may request cancellation of the notification by contacting either the Bureau of Prisons or the U.S. Attorney from the prosecuting district. The Bureau of Prisons shall notify the victim and/or witness that his or her request for notification has been cancelled.

(b) Bureau of Prisons staff may cancel a notification request when the victim and/or witness has not responded within 60 calendar days to a Bureau of Prisons inquiry concerning whether the victim and/or witness wishes to continue receiving notification of the inmate’s release(s).

(c) A notification request by a victim and/or witness ordinarily terminates when the inmate has completed service of the sentence for the serious crime which resulted in the request for notification.

## Subpart N—Smoking/No Smoking Areas

SOURCE: 69 FR 13737, Mar. 24, 2004, unless otherwise noted.

### § 551.160 Purpose and scope.

To advance towards becoming a clean air environment and to protect the health and safety of staff and inmates, the Bureau of Prisons will restrict areas and circumstances where smoking is permitted within its institutions and offices.

### § 551.161 Definitions.

For purpose of this subpart, *smoking* is defined as carrying or inhaling a lighted cigar, cigarette, pipe, or other lighted tobacco products.

### § 551.162 Designated smoking areas.

(a) The Warden must designate a smoking area for use in instances where smoking is part of an authorized inmate religious activity.

**Pt. 552**

**28 CFR Ch. V (7–1–05 Edition)**

(b)(1) The Warden may designate only outdoor smoking areas for general inmate use (that is, for smoking which is not part of an authorized religious activity). These smoking areas must be clearly identified.

(2) The Warden, with the Regional Director's concurrence, may choose not to designate smoking areas for general use. Once this occurs, the Regional Director's concurrence is required if the Warden later chooses to designate smoking areas for general use at the institution.

**PART 552—CUSTODY**

**Subpart A [Reserved]**

**Subpart B—Searches of Housing Units, Inmates, and Inmate Work Areas**

Sec.

- 552.10 Purpose and scope.
- 552.11 Body searches of inmates.
- 552.12 Close observation.
- 552.13 X-ray, major instrument, fluoroscope, or surgical intrusion.
- 552.14 Search of inmate housing and work areas.

**Subpart C—Use of Force and Application of Restraints on Inmates**

- 552.20 Purpose and scope.
- 552.21 Types of force.
- 552.22 Principles governing the use of force and application of restraints.
- 552.23 Confrontation avoidance procedures.
- 552.24 Use of four-point restraints.
- 552.25 Use of chemical agents or non-lethal weapons.
- 552.26 Medical attention in use of force and application of restraints incidents.
- 552.27 Documentation of use of force and application of restraints incidents.

**Subpart D—Hostage Situation Management**

- 552.30 Purpose and scope.
- 552.31 Negotiations.
- 552.32 Hostages.
- 552.33 Media.

**Subpart E—Suicide Prevention Program**

- 552.40 Purpose and scope.
- 552.41 Policy.
- 552.42 Program Coordinator.
- 552.43 Procedures.
- 552.44 Housing suicidal inmates.
- 552.45 Authority and responsibility.
- 552.46 Suicide watches.
- 552.47 Custodial issues.

552.48 Transfer of inmates to other institutions.

552.49 Analysis of suicides.

AUTHORITY: 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984, as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

SOURCE: 45 FR 33941, May 20, 1980, unless otherwise noted.

**Subpart A [Reserved]**

**Subpart B—Searches of Housing Units, Inmates, and Inmate Work Areas**

SOURCE: 45 FR 75134, Nov. 13, 1980, unless otherwise noted.

**§ 552.10 Purpose and scope.**

In order to further the safe, secure, and orderly running of its institutions, the Bureau of Prisons conducts searches of inmates and of inmate housing and work areas to locate contraband and to deter its introduction and movement. Staff shall employ the least intrusive method of search practicable, as indicated by the type of contraband and the method of suspected introduction.

**§ 552.11 Body searches of inmates.**

(a) *Pat search*— an inspection of an inmate, using the hands, that does not require the inmate to remove clothing. The inspection includes a search of the inmate's clothing and personal effects. A metal detector search may be done under the same circumstances. Staff may conduct a pat search of an inmate on a routine or random basis to control contraband.

(b) *Visual search*— a visual inspection of all body surfaces and body cavities.

(1) Staff may conduct a visual search where there is reasonable belief that contraband may be concealed on the person, or a good opportunity for concealment has occurred. For example, placement in a special housing unit (see 28 CFR part 541, subpart B), leaving the institution, or re-entry into an institution after contact with the public (after a community trip, court transfer, or after a "contact" visit in a visiting room) is sufficient to justify a